

Amendments to the Drawings

Please substitute the attached sheet of formal drawing containing Fig.1 for that originally filed and presumed lost, it being noted that this sheet of drawing is identical to that originally filed.

REMARKS

The Office Action of March 25, 2008 and the references cited therein have been carefully considered.

In this Amendment, the Abstract has been amended as required by the Examiner and a new copy of Fig.1 has been provided as required by the Examiner. Moreover, the specification has been amended to overcome the Examiner's objection thereto, and to provide section headings. Finally, all of the claims have been amended to correct noted informalities, claim 6 has been amended to overcome the Examiner's formal rejection thereof, the method claims have been amended to positively recite the steps of method contained therein without changing the scope of these claims, and apparatus claim 8 has been amended to positively recite the structure regarding the generation of the warning signal according to the invention.

With regard to the drawings, as required by the Examiner attached is a new sheet of formal drawing for Fig 1. which identical to that contained in the originally filed PCT application of which the present application is the national phase. Therefore, a copy of the drawing should be in the application file unless, as presumed, it was misplaced. In any case with the present filing, a proper drawing is clearly in the application file.

In view of the attached Abstract on a separate page, it is submitted that the objection to the Abstract has been overcome and should be withdrawn.

The objection to the disclosure has been noted. In view of the amendment to page 7, this objection has been overcome and likewise should be withdrawn.

The rejection of claim 6 under 35 U.S.C. 112, second paragraph, as being indefinite has been noted. In view of the above amendments to claims 1 and 6 to provide proper antecedent basis for all terms, it is submitted that this ground of rejection is no longer warranted and should be withdrawn.

The rejection of claims 1, 2, 6 and 8-11 under 35 U.S.C. 102(b) as being anticipated by the publication to Kaufmann et al has been noted and is respectfully traversed. Reconsideration is respectfully requested.

The present invention as defined in method claim 1 is directed to a method of monitoring the condition of a vehicle driver. For this purpose, a vehicle's position in a lane is detected and monitored, a direction of travel is determined or calculated, the actual position in the lane is compared with the direction of travel which is calculated or determined, and the driver is assisted, e.g., by adjusting the steering wheel, in maintaining the position in the lane. Thus far, the claimed invention is similar to that taught by Kaufmann et al. However, according to the present invention, a warning signal for the driver is generated or triggered if the calculated direction of travel exactly matches the actual position in the lane over a pre-specified period of time. That is, if the vehicle stays precisely in the lane or desired direction over a predetermined minimum time period, i.e. when there is **no danger** that the vehicle will leave the lane. In such case, meaning if the vehicle stays precisely in its position in the lane, it can be assumed that the driver has taken his hands off of the steering wheel or is no longer actively steering the vehicle, and that the task of steering the vehicle has been taken over by the system. In such case the warning signal is to cause the driver to resume control of the steering. Contrary to the position taken by the Examiner, there is no teaching in the Kaufmann et al publication of generating a warning signal under the conditions recited in claim 1 when there is no danger of the vehicle leaving the lane.

The publication to Kaufmann et al simply discloses a lane tracking or steering system for a vehicle, which generates a warning signal if the vehicle approaches a lane marking. That is a warning signal is generated or triggered only if

there is a danger that the vehicle might leave the driving lane. There is no teaching or even any suggestion of providing a warning signal if the vehicle stays precisely along the determined or calculated path for a predetermined period of time. The portions of Kaufmann et al mentioned by the Examiner simply teach what type of signals can be generated, but there is no teaching of generating a warning signal under the conditions recited in claim 1. Note that while Kaufmann et al recognizes that it is desirable to know if the driver is holding or controlling the steering wheel, it does so by means of pressure sensors (e.g., see last five lines of paragraph 0018) and not in the manner required by claim 1. Accordingly, for the above stated reasons, it is submitted that claim 1 is allowable over Kaufmann et al under #5 U.S.C. 102.

Claims 2 and 6 are dependent on claim 1, and therefore are allowable over Kaufmann et al for at least the same reasons as claim 1.

Independent apparatus claim 8, as amended, clearly requires that the claimed system contain a means for activating the warning device when the monitoring device detects that a specific determined direction of travel matches an actual direction of travel over a pre-specified period of time, i.e., when there is no deviation over the pre-scribed period of time. As discussed above with regard to claim 1, such a warning signal is not generated in Kaufmann et al. Accordingly, it is submitted that, for the above reasons, claim 8, and claims 9-11 dependent thereon, are allowable over Kaufmann et al under #5 U.S.C. 102.

Reconsideration of the rejection of claims 3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Kaufmann et al is respectfully requested. Whether or not the test signal of claim 3 or the slow withdrawal of the driver assistance of claim 7 would be obvious as urged by the Examiner, it is noted that each of these claims is dependent on claim 1, and therefore are allowable over Kaufmann et al for at least the same reasons as that claim.

Finally, the rejection of claims 4 and 5 under 35 U.S.C 103(a) as being unpatentable over Kaufmann et al in view of the patent to Kawazoe et al has been

noted and is respectfully traversed. In this ground of rejection, Kamazoe et al is cited in an attempt to show that it is known in the art o control the steering wheel in the manner recited in these claims. However, Kamazoe et al does not overcome the basic deficiencies of Kaufmann et al as discussed above with regard to claim 1 from which these claims depend. Accordingly, it is submitted that claims 4 and 5 are allowable over the cited combination of references for at least the same reasons as claim 1.

In view of the above amendments and for the above stated reasons, it is submitted that claims each of claim 1-11 is allowable over the prior art of record and is in condition for allowance. Therefore, the allowance of claims 1-11, and the passing of this application to issue are respectfully requested.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,

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